

REMARKS

Claims 66-71 and 73-78 are pending and were rejected. The Examiner rejected claims 66, 67, 71, 73, 74 and 78 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,820,614, issued to Bonutti. The Examiner rejected claims 68-70 and 75-77 under 35 U.S.C. § 103(a) as obvious over Bonutti in view of U.S. Patent No. 5,607,386 issued to Flam. Applicant respectfully traverses the Examiner's rejections.

Bonutti is not a prior art reference under Section 102(e) or Section 103(a). The application which led to the Bonutti patent was filed on December 2, 2000. Applicant conceived of the claimed inventions of claims 66 and 73 in the United States prior to the December 2, 2000, filing date of Bonutti, as set forth in the concurrently filed Declaration of the Applicant under 37 CFR 1.131. Applicant also diligently pursued the claimed inventions from prior to the December 2, 2000, filing date of Bonutti through the constructive reduction to practice that occurred on March 5, 2001, when the provisional application from which the current application claims priority was filed, as set forth in the above-reference Declaration. Accordingly, Applicant submits that claims 66 and 73 are not anticipated by Bonutti.


Claims 67-71 depend from claim 66 and claims 74-78 depend from claim 73. The Examiner does not contend that Flam teaches, suggests or motivates the limitations of claims 66 and 73. Accordingly, claims 67-71 and 74-78 are allowable at least by virtue of their dependencies.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/086,940
Reply to Office Action dated June 27, 2006

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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Enclosure:
Declaration Under 37 CFR 1.131

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